



In accordance with Local Rule 7.1(a), on February 29, 2016, there was a conference between Defendants' attorney and the undersigned. The undersigned explained that the Secretary planned to file a motion to strike five affirmative defenses. Defendants' counsel requested an email outlining the issues, which was sent by the undersigned on February 29th, explaining the nature of the motion and its legal bases. On March 4, 2016, the Secretary received Defendants' response in which Defendants agreed to strike their Third and Seventh Affirmative Defenses. See "[Proposed] Agreed Order to Strike Defendants' Affirmative Defenses 3 & 7," filed concurrently herewith. The undersigned provided additional explanation with respect to the remaining affirmative defenses to Defendants' counsel via email on March 4. On March 7, 2016, the undersigned received Defendants' response, noting that Defendants still object to the motion to strike the remaining affirmative defenses. The parties also participated in a Rule 26(f) phone conference on March 7, and briefly discussed the remaining defenses. The Secretary has been unable to obtain concurrence and Defendants object to the motion to strike Defendants' Fourth, Fifth, and Sixth Affirmative Defenses.

**WHEREFORE**, the Secretary respectfully requests the Court strike Defendants' Fourth, Fifth, and Sixth Affirmative Defenses with prejudice.

Respectfully submitted,

**M. PATRICIA SMITH**  
Solicitor of Labor

**CHRISTINE Z. HERI**

Regional Solicitor

s/ Brooke E. Worden

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**CERTIFICATE OF SERVICE**

I hereby certify that on March 7, 2016, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following:

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s/ Brooke E. Worden \_\_\_\_\_  
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